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MAY 10 2006

OFFICE OF PETITIONS

In re	:
Squires, et al.	:
Application No. 09/927,946	: DECISION ON APPLICATION
Filed: August 10, 2001	: FOR PATENT TERM ADJUSTMENT
Patent No. 7,024,296	: AND
Issued: April 4, 2006	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This decision is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT", filed March 27, 2006, notifying the Office of an error in Patentees' favor in the determination of patent term adjustment under 35 U.S.C. 154(b).

The request for correction of the initial determination of patent term adjustment (PTA) is GRANTED to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **one hundred fifty-six (156)** days.

On April 4, 2006, the above-identified application matured into U.S. Patent No. 7,024,296. The patent issued with a Patent Term Adjustment of two hundred forty-seven (247) days.


The Office determined a patent term adjustment of two hundred forty-seven (247) days based on an adjustment for PTO delay of seventy-one (71) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. §1.703(a)(1), and two hundred fifty-three (253) days pursuant to 35 U.S.C. 154(b)(1)(B) and 37 C.F.R. § 1.703(b), reduced by applicants' delays of seven (7) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. §1.704(b) and seventy (70) days pursuant to 35 U.S.C. 154(b)(2)(C)(1) and 37 C.F.R. §1.704(c)(10).

A review of the application reveals that applicants also should have been assessed additional delay pursuant to 37 C.F.R. §1.704(b). The Office mailed a final Office action on June 17, 2003. Applicants did not file a proper reply until they filed an RCE on December 16, 2003. Accordingly, ninety-one (91) days of applicant delay should have been assessed.

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 C.F.R. §1.322 is appropriate. No petition fee was required and none has been charged. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. 254 and 37 C.F.R. §1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **one hundred fifty-six (156)** days subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

  
Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Draft Certificate of Correction (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,024,296

DATED : April 4, 2006

INVENTOR(S) : Squires, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (247) days

Delete the phrase "by 247 days" and insert – by 156 days—